

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES HAINES,

Case No. 22-10717

Plaintiff,
v.

F. Kay Behm
United States District Judge

GARY MINIARD, *et al.*,
Defendants.

Elizabeth A. Stafford
United States Magistrate Judge

**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE'S APRIL 24, 2023
REPORT AND RECOMMENDATION (ECF No. 26)**

Currently before the Court is Magistrate Judge Elizabeth A. Stafford's April 24, 2023 Report and Recommendation. (ECF No. 26). Magistrate Judge Stafford recommends dismissal of this matter based on Plaintiff's failure to prosecute and further recommends denying Defendants' motion for summary judgment. (ECF Nos. 26, 21). The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge’s recommended disposition.

Therefore, the court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 26), **DENIES** Defendants' motion for summary judgment (ECF No. 21), and **DISMISSES** the complaint with prejudice.

SO ORDERED.

Date: May 17, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge